IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

WP(C).No. 25411 of 2007(A)

LAR.15/2001 of SUB COURT, HOSDRUG

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PETITIONER:

K. ABDULLA, S/O. KUNHIPALLY,
RESIDING AT THEKKEPURAM IN KEEKAN VILLAGE AND POST
HOSDURG TALUK.

BY ADV. SRI.SURESH KUMAR KODOTH

RESPONDENTS:

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1. THE SPECIAL TAHSILDAR (LA),
RAILWAY, KASARGOD.

2. DEPUTY CHIEF ENGINEER (CON),
SOUTHERN RAILWAY, KANNUR.

R1 BY GOVT. PLEADER SHRI. R. BINDU
R2 B Y SC SHRI. N.B. SUNIL NATH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION A/W W.P(C)25438/07 ETC. ON 21/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)Nos.25411,25438 &
25453 OF 2007

Dated this the 21st August, 2007.

JUDGMENT

W.P(C) 25411/07 is filed against the order of the Land Acquisition Court, Hosdurg with a prayer to set aside Exts.P1 and P2 judgments. W.P(C)25438/07 is filed with a prayer to set aside Exts.P1 and P2 in L.A.R.16/01 of the same court and W.P(C)25453/07 is filed to set aside Exts.P1 to P3 in L.A.R.14/01 of the same court.

2. Govt. Pleader is appearing for the first respondent and the railway is represented by the standing counsel. The point involved in all these cases are that the land acquisition court on account of the absence of the claimant passed an award confirming the amount granted by the acquistioning authority. It is a settled law that under the Land Acqusition Act, a reference cannot be dismissed for default. Even when the party is absent the court is expected to apply its mind, take into consideration relevant materials and find out whether the compensation has been properly awarded or not. A perusal of the order challenged in all these cases would reveal that it has not been done by the Land Acquisition Court. When there is a mistake committed by the court, this Court under Art.227 of

the Constitution of India is bound to correct it and direct the court below to give an opportunity to the claimant to produce documents and adduce evidence in support of their respective contentions and after hearing the other side as well, dispose of the matter in accordance with law. Therefore, the original orders passed by the Land Acquisition Court are set aside and they are restored to file and a direction is given to the Subordinate Judge, Hosdurg to dispose of all these land acquisition cases in accordance with law as stated above. Writ petitions are disposed of accordingly.

M.N.KRISHNAN
Judge

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